

FAIR HOUSING WEBINAR: VIDEO SCRIPT IN ENGLISH

SLIDE 1

Welcome to the *Equal and Inclusive Housing: Knowledge for Stakeholders* webinar created by the District of Columbia Office of Human Rights. My name is Elliot Imse and I am the Policy & Public Affairs Officer at the DC Office of Human Rights, and this is my colleague Akita Smith Evans, who is the Lead Fair Housing Investigator here at OHR.

Akita and I will be walking you through some general information about fair housing – including local and federal laws – that will hopefully help you in your work on behalf of marginalized communities here in DC and nationwide.

Housing discrimination was an important component in equality movements throughout the twentieth century and earlier. 45 years ago today, President Lyndon Johnson signed into law the Federal Fair Housing Act of 1968, a landmark bill that is the foundation for preventing housing discrimination today. The Act was signed into law only one week after the assassination of Martin Luther King, Jr., whose death sparked Congress to push forward the bill. Dr. King had made the Fair Housing Act one of his biggest priorities in the years before his death.

With the passage of the Fair Housing Act of 1968 and its amendments, and local commitments to “affirmatively furthering fair housing” across the country, we’ve made a lot of progress. But despite these strides, housing discrimination continues, and remains a critical issue for marginalized populations. The right to choose where we live affects our employment and educational opportunities, proximity to friends and family, access to transportation, commercial and governmental services, and even our personal safety.

We are excited to have you join us today because it’s important that we incorporate housing discrimination efforts into our work of social justice and civil rights. We hope this webinar will assist you in your work, and we encourage you to learn more about fair housing on the DC Office of Human Rights website – ohr.dc.gov – and on our Facebook page at [facebook.com/dcohr](https://www.facebook.com/dcohr).

SLIDE 2

To start off, we are going to take a quick poll to gauge your level of knowledge about fair housing issues. Please mark one of the following options:

- (1) I have expertise in fair housing
- (2) I have a good understanding of fair housing
- (3) I have an average understanding of fair housing
- (4) I have limited or no understanding of fair housing.

We’ll give you a few moments to answer.

SLIDE 3

This webinar is funded by the US Department of Housing & Urban Development, or HUD. HUD aims to create strong, sustainable, inclusive communities and quality affordable homes for all. In relation to fair housing, HUD works to build inclusive and sustainable communities free from discrimination. The Office of Human Rights, or OHR, works closely with HUD to investigate complaints of discrimination and on many other fair housing issues.

SLIDE 4

OHR's mission is to eradicate discrimination, increase equal opportunity, and protect human rights through enforcement of District and federal non-discrimination laws. While OHR does proactive advocacy work to prevent discrimination *before* it happens, the primary function of this District government agency is to...

SLIDE 5

...investigate complaints of discrimination that are filed with the office in the areas of housing, employment, public accommodations and educational institutions. For housing complaints, which is the focus of our talk here today, OHR relies primarily on two laws: the DC Human Rights Act of 1977 and the Federal Fair Housing Act of 1968, along with its amendments.

SLIDE 6

Almost anyone can file a discrimination complaint with the Office of Human Rights, from individuals to organizations, which can include group homes, advocacy and fair housing groups, as well as real estate agents. A complaint can be filed as long as:

- The person suffered an actual or threatened injury of discrimination;
- The respondent (or housing provider) does business in D.C.;
- Subject matter is covered by the Fair Housing Act or DC Human Rights Act; and that the
- Complaint is filed within one year from the date of the last incident of discrimination.

SLIDE 7

A benefit of filing through OHR is that the person or organization alleging discrimination is provided a cost-free complaint process that does not require a lawyer, allowing individuals from diverse socioeconomic statuses to be provided an opportunity for their claims to be heard. To file a complaint...

SLIDE 8

... individuals can fill out a simple complaint form online or by visiting the OHR office at the Judiciary Square Metro stop in DC. After filing the form, they may be brought into the office for an intake interview, where an investigator will attempt to find out more details about the alleged discriminatory housing incident.

SLIDE 9

After the intake interview, OHR decides whether it has jurisdiction over the complaint, and if so, will formally accept it as an official OHR case and cross-file it with the US Department of Housing and Urban Development if it encompasses protection under federal law.

Once the case is accepted, the office will initiate an investigation and schedule mediation between the complainant and the respondent – the person who allegedly discriminated. OHR is unique in that mediation is mandatory for both the complainant and respondent. Both parties must sit down with an OHR mediator and attempt to resolve the issue with an agreement that can include anything from obtaining the desired housing, monetary damages, required staff trainings or other solutions. If a mediation settlement is agreed to, the investigation stops and the case is closed.

SLIDE 10

However if mediation fails, OHR will continue to investigate the case until it is complete. The investigation may include interviewing the complainant, respondent and witnesses, a review of documentation and policies, or other methods. Once the investigation is complete...

SLIDE 11

...the investigative report is sent to OHR's General Counsel for review and legal analysis of the investigative findings and forwards it to the Director for a final Determination. The Director of OHR then reviews the determination and decides whether to render a decision of no probable cause or probable cause. If probable cause is found, the parties will meet for conciliation to try, once more, to reach a mutual agreement. If no agreement is made...

SLIDE 12

...the case is sent to the DC Commission on Human Rights. There, one of three administrative judges will review the evidence and make a legal determination about whether discrimination occurred. Explicit damages will be recommended if discrimination is found. A panel of citizen Commissioners appointed by

the Mayor then review the judge's finding, and either agree with the finding and damages or overturn the finding or demand different damages. The Commissioners make the final determination.

SLIDE 13

Now, we'll shift gears from talking about the OHR complaint process to talking about the DC Human Rights Act.

The DC Human Rights Act of 1977 is one of the most progressive non-discrimination laws in the nation. As I mentioned earlier, the Act bans discrimination in housing, employment, public accommodations and educational institutions.

SLIDE 14

The reason we consider the DC Human Rights Act one of the most progressive non-discrimination laws because it provides protections base on *18 protected groups*, compared to only seven in the federal Fair Housing Act. The ones included under the Fair Housing Act are: race, color, sex, national origin, religion, age, and disability. Those not included under federal law but protected under the DC Human Rights Act are: personal appearance, marital status, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation – which is status as a student, political affiliation, source of income (such as the use of housing vouchers), status as a victim of an intrafamily offense and place or residence or business.

SLIDE 15

We are now going to look at the protected group "status as a victim of an intrafamily offense" a little more closely.

SLIDE 16

Because status as a victim of an intrafamily offense is protected in DC, it is now

- Prohibited to refuse to make a reasonable accommodation in restoring or improving security and/or safety measures for a victim of domestic violence,
- Prohibited to prevent a person from terminating a lease early or with a penalty if they are a victim of an intra-family offense, and it is
- Prohibited to bar or limit the right of a victim to call the police for emergency assistance or to impose a penalty for calling for emergency assistance

Status as a victim of intrafamily offense is an important addition to the DC Human Rights Act, added only a few years ago.

The bottom line is that in the area of fair housing, DC law is much more comprehensive than federal law, with 18 groups protected. This means that whether you're a tenant or homeowner, whether you're applying for a loan or applying to rent an apartment, you are legally protected from discrimination under 18 different characteristics. Now we will watch a video showing an example of a discriminatory incident based on national origin.

SLIDE 17

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SLIDE 18

We just talked about the 18 protected groups in DC, so now it is time for a pop quiz. Which of the protected groups below is not covered under the DC Human Rights Act?

- (1) Personal Appearance
- (2) Status as a Veteran
- (3) Race, or
- (4) Familial Status

We'll give you a few moments to answer.

I'm now going to pass this webinar over to my colleague Akita Smith-Evants, who as mentioned previously, is the lead fair housing investigator at the DC Office of Human Rights. She will be going into the federal Fair Housing Act in more depth.

SLIDE 19

Now, we're going to get more deeply into the Fair Housing Act.

The purpose and intent of the Fair Housing Act was to promote equal housing for not just some, but for all. When we think about the Fair Housing Act, it's very important to remember its context: when the FHA was passed in the 1960's, segregation was rampant. Brown v. Board of Education had only passed a few years earlier, and many states still enforced draconian Jim Crow Laws to maintain segregation.

SLIDE 18

When passed, the Act originally covered only race, color, national origin and religion. The Fair Housing Act was later amended to add sex as a protected group and later amended again to add disability and familial status.

SLIDE 19

The Fair Housing Act is very broad; it prohibits discrimination in virtually all areas of housing from refusing to rent, financing, denying or limiting services or imposing different terms, conditions based on a protected traits, such as your race, national origin or sex.

The following is a video that shows an example of refusal to rent, in this case because of religion.

SLIDE 20

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SLIDE 21

One type of housing discrimination is *Blockbusting*. Blockbusting is what happens when a real estate agent persuades an owner to rent or sell their property because a particular group of people are moving in the neighborhood. For example: If the neighborhood is predominately white, and the real estate agent convinces the owner to sell their home at a reduced price because a protected group such as Hispanics are starting to integrate the neighborhood, this would be considered blockbusting and is illegal. The real estate agent may use stereotypes about Hispanics to convince the owner that the diminishing value of their property is inevitable.

Slide 22

Another example of housing discrimination is called *steering*. While steering is very common, it may be done in a subtle way to make the buyer feel as though the agent is looking out for the best interest of the buyer when the intent is to discriminate. For example, an agent tells a couple with a child that the homes across town would suit them better because they will have lots of parks and playgrounds for children. However the couple is only interested in homes in a certain part of town, but the agent insists that another area or neighborhood is better without even bothering to show the couple houses that they have requested. It might not appear so on the surface, but this is discrimination. This couple with children should be able to live anywhere they choose.

Here is a quick example...

Slide 23

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Slide 24

When we think about housing discrimination, it's also important for us to think about the more subtle ways people learn about housing availability. The Act prohibits the making, printing, and publishing, or cause to be published, any notice or statement that indicates a preference or limitation. This also applies to written materials, oral notices, or statements. It includes applications, brochures, deeds, signs, banners, posters, and billboards.

Expressing to ANYONE a preference or limitation on a purchase is prohibited. For example, a newspaper advertisement states "beautiful three-bedroom home for rent, no children allowed." This statement would be a violation of the Act.

Slide 25

The Fair Housing Act doesn't just tell us what housing providers can't do... it also tells us what housing providers must do: like provide reasonable accommodation or reasonable modification.

Reasonable Accommodations in housing applies to persons identified as having a disability or associated with someone who has a disability. Reasonable accommodations are given to residents or applicants seeking housing to allow them an opportunity to fully enjoy the premises just as someone who does not have a disability. A reasonable accommodation is a change in the rules and procedures, but it should not fundamentally change how a housing provider operates. For example, the tenant requests a handicap parking space because they have problems walking a far distance due to their disability. This is a reasonable request. However, if the tenant asks the landlord to bring him/her the daily newspaper because they are unable to walk a far distance, this will change the fundamental operation of the housing provider, unless this is a service that the housing provider provides to all tenants. This would not be considered a reasonable accommodation.

Slide 26

The tenant usually pays for an accommodation requiring modifications of the structure of their home, such as the installation of a wheelchair ramp, unless the housing provider is federally funded, in which case the housing provider may pay for the modifications.

Slide 27

It is the tenant's responsibility to make a reasonable accommodation request to the housing provider either verbally or in writing. The housing provider should not have to guess or assume that a tenant requires a reasonable accommodation.

Slide 28

Apartment dwellings or homes built after March 13, 1991 are required to be built with at least seven (7) technical accessible features.

1. Accessible entrance on accessible route
2. Accessible common and public areas
3. Useable doors
4. Accessible route within the unit
5. Accessible light switches, electrical outlets & environmental controls
6. Reinforced walls in bathrooms
7. Useable kitchens and bathrooms

Slide 29

Here is a list of the type of properties that are covered under the Federal Fair Housing and D.C. Human Rights Act. As you can see even vacant land zoned for residential housing is covered.

Slide 30

Now let's talk about the type of properties that are not covered under the Fair Housing Act. The following four types of properties are not subjected to the rules of the Fair Housing Act. If someone was to bring a claim against these types of properties it would more than likely be dismissed for lack of jurisdiction.

- Small Property Owners
- Religious Organizations
- Senior Housing

- Roommate Situations

Although a small property owner could be exempt under the Federal Fair Housing and DC Human Rights Act in a refusal to rent case; it could be held liable for making or printing a discriminatory statement. For example, the property owner posts an advertisement that states “Two Bedroom Apartment; Adults only; no children.” Because the housing provider publicly printed a statement which shows a preference or limitation for a protected trait; a complaint can be filed in violation for this discriminatory advertisement under Section 804 of the federal Fair Housing Act.

Now we’ll look at each exemption, starting with...

Slide 31

...small property owners. They are considered exempt if:

- They do not have interests in more than three single family homes;
- Do not use the services of a broker or sales agent; and
- The building has four or fewer units, and owner resides in one of the units.

As talked about, they are not exempt from discriminatory advertising

Slide 32

Religious organizations can give preference to members of their own religion or clubs in housing they operate on a non-commercial basis. Groups and clubs, however, cannot restrict membership on the basis of race, color or national origin.

Slide 33

Senior housing is also considered exempt from the familial status protection if:

- All residents in the housing are 62 years of age or older, or
- At least 80 percent of the units are occupied by at least one person that is 55 years of age or older

Again, this only exempts them from familial status protections.

Slide 34

When someone is seeking a roommate, they are allowed to make an exemption for gender preference or limitation. This only applies to shared living situations, such as when they are sharing the kitchen and bathroom.

Slide 35

I'm going to conclude by sharing some new information about Fair Housing, that was released from the Department of Housing and Urban Development only a year ago: the HUD LGBT rule.

The HUD LGBT rule became effective March 21, 2012. This rule provides equal access to housing in HUD programs regardless of sexual orientation or gender identity. If the person is applying for a program that is federally funded, the agent should not inquire to the sexual orientation or gender identity of a person to determine if they are eligible for the program.

Slide 36

The rule of thumb to follow is that everyone should be treated the same, based on qualifications, regardless of their protected class.

Slide 37

Questions or Comments?

Slide 39

If you have any questions, contact the DC Office of Human Rights at (202) 727-4559 or learn more at ohr.dc.gov. Thanks for listening.